

Serial No.: 10/655,825
Amendment dated 16 February 2005
Reply to Office Action mailed 16 November 2004

REMARKS/ARGUMENTS

This Patent Application has been reconsidered carefully in light of the Office Action dated as mailed on 16 November 2004. A careful reconsideration of the application by the Examiner in light of the foregoing amendments and the following remarks is respectfully requested.

There is no additional claim fee due for this Amendment because the total number of claims does not exceed the number of independent and dependent claims for which fees have previously been paid.

Request for Telephone Interview

Applicants' undersigned attorney requests a telephone interview with the Examiner to discuss the merits of this Patent Application. The undersigned requests this interview if the amendments and arguments are not deemed sufficient to place this Patent Application in condition for allowance. If the Examiner feels the claims are not allowable for any reason, then please telephone the undersigned, Eric T. Krischke, at (847) 490-1400.

Amendments to the Claims

By the above Amendment, original independent Claim 1 has been amended require *each leg having an outer surface forming a recessed portion in a center region of the outer surface, the recessed portion extending with respect to the*

Serial No.: 10/655,825
Amendment dated 16 February 2005
Reply to Office Action mailed 16 November 2004

base and forming a handle within each leg. Claims 9 and 10 have been canceled, accordingly.

Original independent Claim 13 has been amended to require the following limitations: (a) the first leg having an outer surface, *a recessed portion formed in a center region of the outer surface and extending with respect to the first end portion to form a handle within the first leg*; and (b) the second leg having an outer surface, *a recessed portion formed in a center region of the outer surface and extending with respect to the second end portion to form a handle within the second leg*.

Original dependent Claim 25 has been amended in independent form to include the limitations of original dependent Claim 26. Claims 23 and 26 have been canceled, accordingly. Original dependent Claim 24 has been amended to depend from and further limit currently amended Claim 25.

Claims 1-8, 11-20, 22, 24, 25 and 27 remain in the application.

Allowable Subject Matter

As a preliminary matter, the undersigned wishes to thank Examiner Chen for the indication that Claims 7 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Serial No.: 10/655,825
Amendment dated 16 February 2005
Reply to Office Action mailed 16 November 2004

Claim Rejections - 35 U.S.C. § 102(b)

Claims 23 and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,038,688 to Permenter (hereinafter "Permenter"). This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

By the above Amendment, Claim 23 has been canceled and Claim 24 has been amended to depend from and further limit currently amended Claim 25. Thus, the Examiner's rejection of Claims 23 and 24 as being anticipated by Permenter is rendered moot. Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 25-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Permenter in view of U.S. Patent 6,152,417 to Randall (hereinafter "Randall"). This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Original dependent Claim 25 has been amended in independent form to include the limitations of original dependent Claim 26. Thus, currently amended Claim 25 requires the limitation that each leg comprises *opposing edge portions having an arcuate shape, the arcuate shape corresponding to at least a portion of one of a first side wall and a second side wall of the base*. Support for this amendment is

Serial No.: 10/655,825
Amendment dated 16 February 2005
Reply to Office Action mailed 16 November 2004

found throughout Applicants' specification, for example at page 11, lines 1-9; Figs. 1, 2, 5, 7, 9 and 12; and original dependent Claims 25 and 26.

Permenter does not teach or suggest a portable desk including legs each comprising *opposing edge portions having an arcuate shape, the arcuate shape corresponding to at least a portion of one of a first side wall and a second side wall of the base*, as required by Applicants' claimed invention. Randall does not overcome the deficiencies of Permenter. In fact, Randall teaches away from the present invention in that Randall teaches an easel having a pair of legs 20 each having a **substantially planar** rectangular configuration. See Randall at Col. 4, lines 6-7. Thus, it would not have been obvious and well within the level of ordinary skill in the art at the time the invention was made to modify the structure of Permenter to include an arcuate shaped edge taught by Randall, as alleged by the Examiner.

Thus, the above Amendment and remarks overcome the rejection of Claims 25-27 as being unpatentable over Permenter in view of Randall. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 1, 3-6, 8 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,049,091 to Chubb (hereinafter "Chubb") in view of U.S. Patent 1,309,774 to Otte (hereinafter "Otte"). This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Serial No.: 10/655,825

Amendment dated 16 February 2005

Reply to Office Action mailed 16 November 2004

Original independent Claim 1 has been amended to require the limitation that *each leg having an outer surface forming a recessed portion in a center region of the outer surface, the recessed portion extending with respect to the base and forming a handle within each leg*. Support for this amendment is found throughout Applicants' specification, for example at page 10, line 15 through page 11, line 9, and Figs. 1, 2, 5 and 12.

Chubb does not teach or suggest a portable desk including legs each *having an outer surface forming a recessed portion in a center region of the outer surface, the recessed portion extending with respect to the base and forming a handle within each leg*, as required by Applicants' claimed invention. Otte does not overcome the deficiencies of Chubb. Otte teaches a folding table having four legs each bent from a metallic rod. Otte does not teach or suggest legs each *having an outer surface forming a recessed portion in a center region of the outer surface, the recessed portion extending with respect to the base and forming a handle within each leg*, as required by Applicants' claimed invention.

Thus, the above Amendment and remarks overcome the rejection of Claims 1, 3-6, 8 and 12 as being unpatentable over Chubb in view of Otte. Accordingly, Applicants respectfully request withdrawal of this rejection.

Serial No.: 10/655,825
Amendment dated 16 February 2005
Reply to Office Action mailed 16 November 2004

Claims 2 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chubb in view of Otte as applied to the claims above, and further in view of U.S. Patent 6,164,213 to Topps et al. (hereinafter "Topps"). This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Claims 2 and 12 depend from and further limit amended independent Claim 1, which Applicants believe is patentable for at least the reasons presented above. Thus, the above Amendment and remarks overcome the rejection of Claims 2 and 12 as being unpatentable over Chubb in view of Otte as applied to the claims above, and further in view of Topps. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 9, 10, 13 and 17-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chubb in view of Otte as applied to the claims above, and further in view of Permenter. This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Original independent Claim 13 has been amended to require the following limitations: (a) the first leg having an outer surface, *a recessed portion formed in a center region of the outer surface and extending with respect to the first end portion to form a handle within the first leg*; and (b) the second leg having an

Serial No.: 10/655,825

Amendment dated 16 February 2005

Reply to Office Action mailed 16 November 2004

outer surface, *a recessed portion formed in a center region of the outer surface and extending with respect to the second end portion to form a handle within the second leg.* Support for this amendment is found throughout Applicants' specification, for example at page 10, line 15 through page 11, line 9, and Figs. 1, 2, 5 and 12. Claims 17-20 depend from and further limit currently amended independent Claim 13. Claims 9, 10 and 21 have been canceled.

As discussed above, Chubb does not teach or suggest a portable desk including legs each having an outer surface forming a recessed portion in a center region of the outer surface, wherein the recessed portion extends with respect to a corresponding end portion of the base and forms a handle within each leg, as required by Applicants' claimed invention. Otte and/or Permenter does not overcome the deficiencies of Chubb.

Thus, the above Amendment and remarks overcome the rejection of Claims 9, 10, 13 and 17-21 as being unpatentable over Chubb in view of Otte as applied to the claims above, and further in view of Permenter. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chubb in view of Otte as applied to the claims above, and further in view of

Serial No.: 10/655,825
Amendment dated 16 February 2005
Reply to Office Action mailed 16 November 2004

Randall. This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Claim 11 depends from and further limits amended independent Claim 1, which Applicants believe is patentable for at least the reasons presented above. Further, as discussed above in reference to currently amended Claim 23, Randall does not teach or suggest the limitation that each leg comprises *opposing edge portions having an arcuate shape*, as required by dependent Claim 11. Thus, the above Amendment and remarks overcome the rejection of Claim 11 as being unpatentable over Chubb in view of Otte as applied to the claims above, and further in view of Randall. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chubb in view of Otte and Permenter as applied to the claims above, and further in view of Topps. This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Claims 14 and 15 depend from and further limit amended independent Claim 13, which Applicants believe is patentable for at least the reasons presented above. Thus, the above Amendment and remarks overcome the rejection of Claims 14 and 15 as being unpatentable over Chubb in view of Otte and Permenter as applied

Serial No.: 10/655,825

Amendment dated 16 February 2005

Reply to Office Action mailed 16 November 2004

to the claims above, and further in view of Topps. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chubb in view of Otte and Permenter as applied to the claims above, and further in view of Randall. This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Claim 22 depends from and further limits amended independent Claim 13, which Applicants believe is patentable for at least the reasons presented above. Further, as discussed above in reference to currently amended Claim 23, Randall does not teach or suggest the limitation that each of the first leg and the second leg comprises *opposing edge portions having an arcuate shape*, as required by dependent Claim 22.

Thus, the above Amendment and remarks overcome the rejection of Claim 22 as being unpatentable over Chubb in view of Otte and Permenter as applied to the claims above, and further in view of Randall. Accordingly, Applicants respectfully request withdrawal of this rejection.

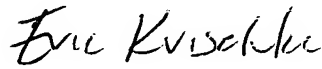
Conclusion

It is believed that the above Amendment places all pending claims in condition for allowance and notification to that effect is solicited. However, should

Serial No.: 10/655,825
Amendment dated 16 February 2005
Reply to Office Action mailed 16 November 2004

the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of this Patent Application.

Respectfully submitted,



Eric T. Krischke
Registration No. 42,769

Pauley Petersen & Erickson
2800 West Higgins Road
Suite 365
Hoffman Estates, Illinois 60195
TEL (847) 490-1400
FAX (847) 490-1403